



Americans with Disabilities Act and Rehabilitation Act. *See id.* Thus, there is no longer a need to stay discovery in connection with a pending motion to dismiss. Moreover, to the extent that Defendants sought a stay of discovery in connection with their petition to the Supreme Court for certiorari in connection with the Fourth Circuit Court of Appeal's decision on their motion to dismiss, this petition has since been denied. ECF No. 284.

To the extent that Defendants argue that the Court should continue to stay discovery until the Court issues a decision on Plaintiffs' Motion for Class Certification, this argument is meritless for the reasons stated in Plaintiffs' Opposition to Defendants' Motion to Stay Discovery, including that Defendants' motion fails to consider the effects of the stay on the thousands of West Virginian children currently in foster care. ECF No. 277. These children are entitled to speedy relief, and Plaintiffs respectfully request that they be able to continue litigation in an effort to seek said relief.

In addition to Defendants' Motion to Stay, on December 19, 2022, Defendants filed a motion for a protective order, requesting that the Court order the withdrawal of or stay the response to Plaintiffs' Second Set of Requests for Admission and Plaintiffs' Seventh Set of Requests for Production. ECF No. 291. Defendants subsequently provided objections to Plaintiffs' Second Set of Requests for Admission. *See* ECF No. 294. Plaintiffs responded by requesting a modification of the Court's prior Scheduling Order. ECF No. 293. The Court granted Defendants' motion and ordered Plaintiff's Seventh Set of Requests for Production withdrawn on January 10, 2023. ECF No. 298. Now that attempted settlement negotiations have ended, Plaintiffs renew their request for an amended scheduling order as requested in their original motion and request that their Requests for Production be reinstated. ECF No. 293.

Last, on January 26, 2023, Defendants filed a motion to stay the time to file an Answer to the Complaint. ECF No. 303. Given the then ongoing settlement negotiations, the Court granted a stay on January 27, 2023. ECF No. 305. Plaintiffs respectfully request that this stay also be lifted.

Plaintiffs conferred with Defendants via email on March 9, 2023 regarding this Motion. On March 10, 2023, Defendants relayed to Plaintiffs that they would oppose the Motion.

Dated: March 13, 2023

Respectfully submitted,

/s/ Marcia Robinson Lowry

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**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF WEST VIRGINIA  
HUNTINGTON DIVISION**

**Jonathan R., minor, by Next  
Friend Sarah DIXON, *et al.*,**

Plaintiffs,

V.

Case No. 3:19-cv-00710

**Jim JUSTICE, in his official capacity as the Governor of West Virginia, et al.,**

Defendants.

## CERTIFICATE OF SERVICE

I, J. Alexander Meade, counsel for the plaintiffs herein, hereby verify that on this 13th day of March, 2023, I electronically filed the foregoing “**Plaintiffs’ Motion to Lift Stay of Discovery and Renewed Motion for an Amended Scheduling Order**” with the Clerk of the Court via the CM/ECF system, which will electronically serve and notify counsel of record as follows:

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